

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOY ELAINE STEWART,

Plaintiff,

v. Civil Action No. 2:19-cv-00731

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

ORDER

Pending are requests for judgment on the pleadings, filed by plaintiff and defendant on April 3, 2020. ECF Nos. 16, 17. This action involves a request by plaintiff for review of the final decision of the Commissioner of Social Security ("Commissioner") denying her application for Disability Insurance Benefits ("DIB") under Title II of the Social Security Act, 42 U.S.C. §§ 401-33 and was previously referred to United States Magistrate Judge Dwane L. Tinsley for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On August 26, 2020, the magistrate judge entered his PF&R recommending that the court deny plaintiff's request to reverse the Commissioner's decision, grant the Commissioner's request to affirm his decision, affirm the final decision of the Commissioner, and

dismiss this action from the court's docket. ECF No. 18.

Plaintiff has not filed any objection to the PF&R. See 28

U.S.C. § 636(b)(1) (party has fourteen days from service of PF&R to file objections); see also Fed. R. Civ. P. 6(d) (providing an additional three days where service is made by mail).

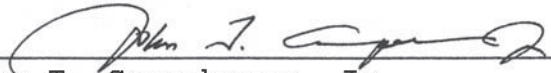
Plaintiff having not filed any objection to the PF&R, it is ORDERED that the findings made in the PF&R of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that:

1. The magistrate judge's PF&R entered August 26, 2020 be, and it hereby is, adopted and incorporated in full;
2. The plaintiff's request for judgment on the pleadings be, and hereby is, denied;
3. The Commissioner's request for judgment on the pleadings be, and hereby is, granted;
4. The decision of the Commissioner be, and hereby is, affirmed; and
5. This action be, and hereby is, dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this order
to all counsel of record and the United States Magistrate Judge.

ENTER: November 16, 2020



John T. Copenhaver, Jr.
Senior United States District Judge